

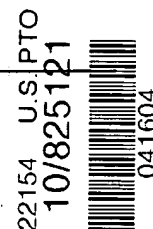


REQUEST FORM AND FORMALITIES PRELIMINARY AMENDMENT FOR
FILING A PATENT APPLICATION UNDER 37 C.F.R. 1.53(b)
Submit an original and a duplicate for fee processing

THIS APPLICATION:		PRIOR APPLICATION:		TOTAL NO.
DOCKET NUMBER	FILING DATE	EXAMINER	ART UNIT	OF PAGES
P66087US2	April 16, 2004	S. Gollamudi	1616	37

Address to:

Commissioner for Patents
P.O. Box 1450
Mail Stop Patent Application
Alexandria, VA 22313-1450



This is a request for filing a [] continuation or [x] divisional application under 37 C.F.R. 1.53(b) of prior application Serial No. 10/160,100, filed on June 4, 2002, which was a continuation under 37 CFR 1.53(b) of Serial No. 09/701,574, filed December 8, 2000, entitled COMPOSITIONS COMPRISING PHENYLAMINOTHIOPHENACETIC ACID DERIVATIVES FOR THE TREATMENT OF ACUTE OR ADULT RESPIRATORY DISTRESS SYNDROM (ARDS) AND INFANT RESPIRATORY DISTRESS SYNDROM (IRDS) by the following inventor(s).

	Family Name	First Given Name	Second Given Name
Full Name of Inventor	HÄFNER	Dietrich	
	City	State or Foreign Country	Country of Citizenship
Residence & Citizenship	Konstanz	Germany	Germany
	Post Office Address	City	State & Zip Code/ Country
Post Office Address	Beethovenstraße 5	Konstanz	Germany 78464

[] additional sheet(s) with inventors information attached

1. [X] A Second Preliminary Amendment is enclosed.
2. [X] Cancel claim(s) 1-9.

The filing fee is calculated on the basis of the claims existing in the prior application as amended by 1 and 2 above.

CLAIMS

Basic Fee			\$385	\$770
Total Claims	9	- 20 =	x 9 = \$	x 18 = \$
Ind. Claims	1	- 3 =	x 43 = \$	x 86 = \$
[] Multiple Dependent Claims			+145 = \$ Total \$	+ 290 = \$ Total \$770

3. [X] The Commissioner is hereby authorized to charge fees under 37 C.F.R. 1.16 and 1.17 which may be required or credit any overpayment to Deposit Account No. 06-1358. A duplicate copy of this sheet is enclosed.

4. [] This application is filed under Rule 53(f) and therefore the [] Filing Fee [] Declaration is not enclosed. All authorization to charge Deposit Account No. 06-1358 for 37 C.F.R. 1.16 fees previously made is revoked.

5. [X] A credit card form PTO-2038 in the amount of \$770.00 is enclosed.

6. [X] Amend the specification by inserting before the first line the sentence:

This is a divisional of application Serial No. 10/160,100 filed June 4, 2002, which was a continuation of Serial No. 09/701,574, filed December 8, 2000, now abandoned; which in turn is a Nationalization of PCT/EP99/04276 filed June 19, 1999.

7. [] A verified statement claiming small entity status under 37 CFR 1.9 and 1.27:

a) [] was claimed by way of a declaration filed in prior application Serial No. _____.

b) [] is claimed by way of the attached declaration.

8. [X] Priority of application Serial No. 198 27 907.8, filed on June 23, 1998 in Germany is claimed under 35 U.S.C. 119.

a) [X] Certified copy is on file in prior application, Serial No. 09/701,574

b) [] Certified copy filed herewith.

9. [X] The prior application is assigned of record to Altana Pharma AG.

10. ☒ The Power of Attorney in the prior application is to at least one of the following:

John Clarke Holman, 22,769; Harvey B. Jacobson, Jr., 20,851; Marvin R. Stern, 20,640; Allen S. Melser, 27,215; Michael R. Slobasky, 26,421; Jonathan L. Scherer, 29,851; Irwin M. Aisenberg, 19,007; William E. Player, 31,409; Yoon S. Ham, 45,307; and Nathaniel A. Humphries, 22,772.

a) ☒ The power appears in the original papers of the prior application.

b) ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

11. ☒ Petition to extend the life of the above prior application to at least the date hereof

(One box) ☐ is being concurrently filed in
NOTE: (must be) that prior application.
(X'd) ☐ was previously filed in that application.
☒ is not necessary.

If a Petition for Extension of Time is necessary and the Petition and/or the check is not enclosed, this will act as the Petition and applicant herewith petitions the Commissioner to extend the time for response and charge any fees necessary under 37 CFR 1.17 (a)(1)-(5) to Deposit Account No. 06-1358.

12. ☒ New formal drawings are enclosed.

13. ☐ Enclosed is a copy of the Information Disclosure Statement (IDS) and PTO 1449 which was filed in 10/160,100, filed June 4, 2002 which is relied on for an earlier filing date under 35 U.S.C. 120.

a) ☒ More than one IDS was filed in the above Serial No. and copies of each IDS, less the documents, are enclosed.

14. ☒ Enclosed is a copy of the PTO 892 which issued in Serial No. 10/160,100, filed June 4, 2002 which is relied on for an earlier filing date under 35 U.S.C. 120.

a) ☐ More than one PTO 892 issued in the above Serial No. _____ and copies of each PTO 892, less the documents, are enclosed.

15. ☐ Also enclosed is:

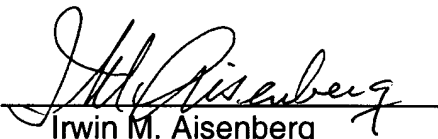
Address all future correspondence to:

Customer No. 00136
or
JACOBSON HOLMAN PLLC
400 Seventh Street, N.W.
Washington, D.C. 20004-2201
Telephone 202/638-6666

- [X] Enclosed is a copy of the prior application including the Declaration as originally filed, application, namely Serial No. 10/160,100, filed on June 4, 2002, which is a continuation of Serial No. 09/701,574 filed December 8, 2000, now abandoned. The entire disclosure of the prior application is hereby incorporated by reference.

Respectfully submitted,

By



Irwin M. Aisenberg
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(202) 638-6666

Signed this 16th day of April, 004

[X] Attorney or Agent of record

[] Filed under 37 CFR 1.34(a)